

REMARKS/ARGUMENTS

Claims 60-62, 66-73, 76-78, 81, 95 and 112-114 were rejected under 35 USC §112, first paragraph (enablement). This rejection is respectfully traversed.

In the Office Action, the examiner states that the structure of the joining mechanism between the diffuser faces is critical or essential to the practice of the invention, but is not enabled by the disclosure. In particular, the examiner indicates that the phrase set forth in claim 60 (that the side faces are joined to the top face in such a way as to allow elastic rotation) is unsupported in the disclosure as originally filed.

Applicants respectfully traverse the examiner's assertions in this regard. Specifically, claim 5 of the original PCT application sets forth that the "side faces (8) are connected to the first face (7) in such a way as to be able to rotate elastically in relation to it". Thus, there is clear and unambiguous support for the subject phrase in claim 60. In addition, reference number 7 associated with the term "first face" in claim 5 of the PCT application is the same reference number associated with the term "top face" in the description of the application, as amended at the entry into the national phase. Further, Figures 4 and 55-60 of the PCT application clearly show that the reference number 7 associated with the term "first face" in claim 5 designates the "top face" of the diffuser elements.

Moreover, as to enablement, Figures 4 and 55-60 clearly show that the side faces 8 of the diffuser element are only connected to one side of the top face 7 and that the side faces 8 are not connected to the front faces 14 of the diffuser element. The connection of the side faces 8 to one side of the top face and the absence of any connection between the side faces 8 and the front faces 14 clearly allows an elastic rotation of the side faces 8 with respect to the top face 7.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 60-62, 66-73, 76-95 and 112-114 were rejected under 35 USC §102(b) over Deckers (EP 000774623). This rejection is respectfully traversed.

According to the examiner, Deckers discloses a diffuser (Figure 1) with openings 8. The diffuser includes a plurality of elements 7, each element having a top rectangular face and side faces 11 connected in such a way as to allow for elastic rotation (Abstract, last three lines). However, applicants respectfully submit that the examiner has misinterpreted the disclosure of Deckers.

In particular elements 7 are flat rectangular burner deck parts without any side face. The reference number 11 in the disclosure of Deckers is used to designate a circumferential deck edge (column 5, line 9) in which the burner deck parts 7 are received as clearly disclosed at column 5, lines 23-25: "The inwardly facing edges 13 of the deck edge 11 and the bridge 12 together describe one of the openings 14 in which the burner deck part 7 is received". No connection between the burner deck part 7 and the deck edge 11 is disclosed.

Since no connection exists between the burner deck parts 7 and the deck edge 11, no elastic rotation of the deck edge with respect to the burner deck parts 7 may occur.

With regard to the last three lines of the Deckers' Abstract, there is no disclosure of elastic rotation between the deck parts 7 and the burner edge 11. In fact, the last three lines of the Abstract recite "... each burner deck part can deform at least in the plane of the burner deck part in question, independently of the other burner deck parts, the housing and the bridges". No elastic connection of the burner deck parts with the other deck parts of the burner is mentioned or suggested in the last three lines of the Abstract of Deckers.

Accordingly, Deckers cannot anticipate the subject matter of claim 60.

Claims 77, 78, 81 and 82 were rejected under 35 USC §103(a) over Deckers in view of Stoschek (EP 0869315). This rejection is respectfully traversed at least because these claims depend from claim 60, and are patentable by virtue of that dependency, in addition to the further features recited therein. Stoschek does not make up for the deficiencies noted above in regard to Deckers, and nor was it relied upon for such.

Reconsideration and withdrawal of the rejections are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140 under Order No. PTB-4017-39.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

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Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Paul T. Bowen/

Paul T. Bowen
Reg. No. 38,009

PTB:caw
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100